

**Notice of Allowability**

Application No.

10/761,727

Examiner

Angel R. Estrada

Applicant(s)

WESTBERRY, WYMAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on April 28, 2005.
2. ☒ The allowed claim(s) is/are 1 and 3-14.
3. ☒ The drawings filed on 21 January 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 1 and 3-14 are allowed.

The following is an examiner's statement of reasons for allowance: The primary reasons for the indication of the allowability of claims 1 and 3-14 are:

Regarding claims 1 and 3, the prior art does not teach or fairly suggest in combination with the other claimed limitations the apparatus comprising an electrically conductive element disposed at the interior region of the pipe for exposure to a fluid with the pipe; and means disposed outside the pipe and operative to provide an electrically conductive path between the conductive element and an electrical ground source external to the pipe, whereby an electrical ground path is established with fluid in the interior region of the pipe.

Regarding claims 4 and 5, the prior art does not teach or fairly suggest in combination with the other claimed limitations the apparatus comprising means disposed outside the pipe and operative to provide an electrically conductive path between the conductive element and an electrical ground source external to the pipe, whereby an electrical ground path is established with fluid in the interior region of the pipe and wherein the conductive element comprises a metallic rod extending within the interior region.

Regarding claims 6-11, the prior art does not teach or combination with the other claimed limitations fairly suggest in of a plumbing fitting comprising a plumbing element and an electrical conductor associated with the plumbing element for contact with fluid

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therein, so as to establish an electrical conductive path between the conductor and the fluid.

Regarding claim 12, the prior art does not teach or combination with the other claimed limitations fairly suggest in of an apparatus comprising an electrical conductive element disposed within the pipe element for exposure to a fluid within the pipe element, and extending outside the pipe element for connection to an electrical ground source, whereby an electrical ground path is established between the ground and the electrically conductive element in contact with fluid in the non conductive pipe element.

Regarding claims 13-14, the prior art does not teach or combination with the other claimed limitations fairly suggest in of a method comprising the steps of disposing an electrical nonconductive pipe element adapted for connection in fluid flow operation in the pipe system; and providing a conductive path that extends from the electrical conductor with the pipe element to a connection point outside the pipe element for attachment to an electrical ground.

These limitations are found in claims 1 and 3-14, and are neither disclosed nor taught by the prior art of record, alone or in combination.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

2. Applicant's arguments filed on April 28, 2005 have been fully considered and they are persuasive.

In response to the applicants argument, the Examiner agrees that neither Zini (US 6,307,149) nor the cited prior art teach, disclose or suggest an apparatus comprising an electrically conductive element disposed at the interior region of a non conductive pipe for exposure to a fluid with the pipe; and means disposed outside the pipe and operative to provide an electrically conductive path between the conductive element and an electrical ground source external to the pipe, whereby an electrical ground path is established with fluid in the interior region of the pipe.

### ***Conclusion***

3. Any inquiry concerning this communication should be directed to Angel R. Estrada at telephone number (571) 272-1973. The Examiner can normally be reached on Monday-Friday (8:30 -5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (571) 272-2800 Ext: 31. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 5, 2005

  
Angel R. Estrada  
Patent Examiner  
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